

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAVELL FOX

Plaintiff

- against -

SUPERINTENDANT LEE, et al

Defendant

DECLARATION
AFFIDAVIT
IN SUPPORT
OF MOTION
FOR CONTEMPT
PURSUANT TO
FRCP RULE
70 and 18 U.S.C.
§ 401 (3) and
402
9:15-CV-0390
TJM / CFH

STATE OF NEW YORK)
COUNTY (ANY)) ss

Javell Fox Being duly sworn Deposes
AND SAYS :

1. I am the plaintiff in this action
2, on 5/3/17 Judgement was duly
entered directing commissioner Annucci
et al pursuant to Rule 65(d)(2) from
punishing plaintiff for his hairstyle
which is a Mohawk with locks, through
preliminary injunction and Restraining
order.

3, A copy of the order was
shown to All Sgts At Auburn C.F
on 8-20 - 8-28-18 by plaintiff, plaintiff
also served a copy to the Superintendent

4 on wendsday August 29, 2018 sgt sheftic told plaintiff that he copied a dismissal of his case, and he dont care if the case isn't over and the court order is still valid he stated hes gonna keeplock plaintiff,

5. on 8-29-18 plaintiff was keeplocked by sgt sheftic for wearing his Mohawk. sgt sheftic stated hes not gonna allow no squawk haircut in his jail,

6. sgt sheftic gave no justification for keeplocking plaintiff for his hairstyle

6. plaintiffs religion is Anunnaki. plaintiff's hairstyle is a religious symbol. plaintiff have furnished the court and the ADA with copies of his religious documents that show his significant religious symbol by way of his hairstyle, and make reference to the bible that bear witness to plaintiffs belief.

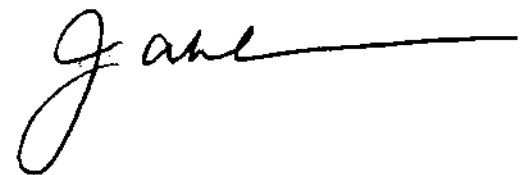
7. There is no need to examine plaintiffs religious views, relying on *McEachin v Mc Guinness* (357 F.3d 197, 201 (2d cir. 2004)) where the second circuit stated "our

Founding principles require that courts resist the dangerous temptation to try to judge the significance of particular devotional obligations to an observant practitioner of faith.

8. pursuant to Amaker v Cooper 2007 WL 4560595 Defendant Annucis Agent Sgt Sheftic is guilty of violating a court order which is contempt.

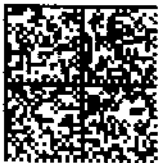
9. plaintiff request \$3,000.00 for Harassment, \$10,000.00 for Racial discrimination, \$15,000.00 for Religious discrimination, \$25,000.00 for violation of plaintiffs equal protection rights, \$5,000.00 for free exercise violations, \$5,000.00 for PLVIPA violations, and \$1,000.00 for official misconduct, amounting to \$64,000.00, I declare under the penalty of perjury that the foregoing is true.

cc Lynn Knapp Blake SAC



AUBURN CORRECTIONAL FACILITY
P.O. BOX 618
AUBURN, NEW YORK 13024
NAME: JAVELL FOX DIN: 1281628

AUBURN CORRECTIONAL FACILITY



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senior Dist, CRT Judge

Hon. Thomas, McAvoy

U.S. D.C. - N.O. N.Y.

15 Henry St

Binghamton N.Y 13901

LEGAL MAIL

13301-279855

